

9 FAM 41.108 Procedural Notes

(TL:VISA-166; 05-10-1997)

9 FAM 41.108 PN1 FORM OF -157, MEDICAL EXAMINATION FOR VISA APPLICANTS, TO BE CONSISTENTLY USED

(TL:VISA-166; 05-10-1997)

Consular officers shall ensure that *a panel physician has recorded* the results of medical examinations on Form OF-157, Medical Examination for Visa Applicants.

NOTE: Form OF-157 is outdated and will be revised in the near future.

9 FAM 41.108 PN2 PRECAUTIONS IN ESTABLISHING IDENTITY OF VISA APPLICANTS UNDERGOING MEDICAL EXAMINATION

9 FAM 41.108 PN2.1 Verifying Identity of Person Examined

(TL:VISA-166; 05-10-1997)

Consular officers shall ensure that *panel physicians take* every possible safeguard to verify that the person who is examined by the physician is, in fact, the visa applicant. Appropriate steps shall be taken to preclude the substitution of persons at medical examinations *as well as* other fraud.

9 FAM 41.108 PN2.2 Physicians' Responsibilities Regarding Alien's Identity

(TL:VISA-96; 10-07-1994)

a. The instruction sheet which the post provides to the alien outlining the medical examination requirements and procedures shall convey to the examining physician the need for careful comparison of the identity of the visa applicant with the photograph attached to the alien's passport or with other documents of identity in order to prevent potential fraud. Instruction sheets shall also include a requirement that the physician endorse Form OF-157 as follows:

I certify that the person covered by this report is the bearer of passport (number) issued by (authority) on (date).

b. Instruction sheets shall also require that the applicant present the instruction sheet and the applicant's passport to the physician to enable the latter to comply with these procedures.

9 FAM 41.108 PN2.3 X-ray and Other Medical Documents to Refer to Specific Alien by Name

(TL:VISA-166; 05-10-1997)

The report of the serological and other tests, particularly the x-ray films, must include the name of the alien examined *to prevent the* substitution of documents. Whenever a panel physician refers a visa applicant to another physician or to a laboratory for an x-ray examination or laboratory test, the panel physician shall be instructed to follow the procedure set forth in 9 FAM 41.108 PN2.2 in making such referral.

9 FAM 41.108 PN2.4 Class A/Class B Medical Notification

(TL:VISA-166; 05-10-1997)

a. *When a physician discovers a disease, defect, or disability, he or she must issue one of two types of notification:*

(1) *A Class A medical notification or*

(2) *A Class B medical notification (commonly called "medical certificates").*

b. *A "Class A" medical notification certifies that the applicant is inadmissible under one of the health-related exclusion grounds. A Class B" medical notification indicates that there is another serious or permanent problem. The physician will indicate the extent of the disability and the extent to which it may be alleviated, as well as the likelihood, because of the condition, that the alien will require extensive medical care or institutionalization.*

9 FAM 41.108 PN2.4 Disposition of Medical Report

(TL:VISA-166; 05-10-1997)

In cases in which a Class A or Class B medical condition is detected, the panel physician shall not give the medical report to the applicant but shall ensure that it is delivered directly to the consular officer, except in cases in which the procedure is impractical. In those rare instances in which it is necessary for the applicant to take the medical report to the consular officer, the panel physician must ensure that the report is placed in a sealed envelope in such a way that the consular officer can easily determine if it has been opened. In cases in which no Class A or B condition is detected the panel physician may give the medical reports to the applicant to *take* to the interview. [See 9 FAM 41.108 PN3 .]

9 FAM 41.108 PN3 DISPOSITION OF MEDICAL DOCUMENTS

9 FAM 41.108 PN3.1 X-ray Films

(TL:VISA-166; 05-10-1997)

If the medical report of a K visa applicant does not involve a Class A or B condition related to tuberculosis, the Form OF-157 shall be attached to other supporting documents in the issued visa; no separate envelope is required. *In general*, the alien need not hand-carry the x-ray film to the port of entry; however, the alien shall be instructed to take the xray film to the United States as part of his or her permanent health record. *However*, in all cases involving a Class A or B condition relating to tuberculosis, the xray film or films shall be hand-carried by the alien for presentation at the port of entry. [See 9 FAM 41.108 PN3.3 .]

9 FAM 41.108 PN3.2 Form OF-157 Given to Alien

(TL:VISA-166; 05-10-1997)

The consular officer must place the report of the medical examination on Form OF-157 in a sealed envelope and give it to the applicant for presentation at the port of entry. The envelope shall bear a typed or rubber-stamped notation in the following form:

- (1) Medical Report (Form OF-157) enclosed.
- (2) Chest X-ray Film(s):
 - (a) Enclosed in this envelope;

- (b) In separate envelope given to alien; or
- (c) Not required to be carried to United States.

9 FAM 41.108 PN3.3 Two Copies of Form OF-157 Given Alien In Class A or B Case

(TL:VISA-166; 05-10-1997)

When the medical examiner issues any Class A or B certificate, the original and two copies of the Form OF-157 are placed in the envelope, which is attached to the alien's passport (by staples) on the visa page, and the consular officer *shall* make an extra copy of the Form OF-157 for the post's files. Chest x-ray films are placed in a separate sealed envelope for the alien to hand-carry to the port of entry.

9 FAM 41.108 PN4 FEE FOR MEDICAL EXAMINATION CONDUCTED BY PANEL PHYSICIAN

(TL:VISA-96; 10-07-1994)

The fees charged for the medical examination, chest x-ray, and serological tests of visa applicants are decided on by the consular officer and the selected panel physician and should be governed by the prevailing medical fees within the country for similar services.

9 FAM 41.108 PN5 REFERRAL OF CASES TO USPHS

(TL:VISA-96; 10-07-1994)

See 9 FAM 41.108 N3.2 .

9 FAM 41.108 PN6 USE OF NOTATION "MED" IN VISA STAMP

(TL:VISA-166; 05-10-1997)

In the following cases, the nonimmigrant visa should be annotated as indicated when the medical examination discloses a:

- (1) *Class A tubercular or other condition and an INA 212(d)(3)(A) waiver has been granted, the visa should be annotated: "MED: 212(d)(3)(A)."*

(2) *Class B tubercular condition or Class B leprosy, non-infectious, the visa should be annotated: "MED: Class B."*

9 FAM 41.108 PN7 MEDICAL EXAMINATION OF FIANC(E)ES

(TL:VISA-166; 05-10-1997)

a. Applicants for K nonimmigrant visas shall receive a medical examination identical to that received by immigrant visa applicants in all respects except for the INA 212(a)(1)(A)(ii) vaccination requirement. With respect to all other medical ineligibilities, a waiver will be processed under INS in INA 212(d)(3)(A) in accordance with 9 FAM 40.11 PN5 .

b. With respect to the immigration vaccination requirements contained in INA 212(a)(1)(A)(ii), K visa applicants should be encouraged to undergo the same vaccination assessment as immigrants, but cannot be refused a visa due to failure to comply with the requirement. K visa applicants who do not meet the vaccination requirements at the time of their visa issuance will have to do so at the time they adjust status following their marriage to the U.S. citizen petitioner.